

14 April 1972

MEMORANDUM FOR: Legislative Counsel

SUBJECT: S. 3475

1. Mr. Ervin's bill, S. 3475, defines an executive agreement as any bilateral or multilateral international agreement or commitment, other than a treaty, which is binding upon the United States and which is made by any representative of the executive branch of the United States Government.

2. So far as this Agency is concerned, the typical service-to-service agreements on exchange of information or similar arrangements are not only not binding upon the United States but do not carry continuing commitments binding on this Agency. Therefore, we should treat the subject matter of this bill as nation-to-nation agreements executed by or through the Department of State with binding force and some continuing commitments. This Agency, as you know, is rarely involved in such arrangements. In view of this interpretation, it would seem highly desirable that we not get involved in any way with this bill, as the Department of State would be fully cognizant of the subject matter and should represent the executive branch.

STAT

LAWRENCE R. HOUSTON
General Counsel

cc: ExDir-Compt
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